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AMENDED IN SENATE MARCH 8, 2006

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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 158

**Introduced by Assembly Members Bermudez and Frommer
(Coauthors: Assembly Members Benoit, Evans, Jones, Matthews,
Maze, and Torrico)**

January 14, 2005

An act to add and repeal Section 7711.5 of the Public Utilities Code, relating to railroads, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 158, as amended, Bermudez. Railroads: safety study.

Existing law establishes the safety division of the Public Utilities Commission. The safety division is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities,

equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description, by rail. Existing law requires every railroad corporation that transports hazardous materials, as defined, in the state to provide a system map of the state to the Office of Emergency Services and to the commission showing certain information, to annually submit a copy of its emergency handling guidelines to the office, and to provide specified information in the event of an incident where there is a release or threatened release of a hazardous material. Under existing law, the commission is required to annually report to the Legislature regarding sites on railroad lines in the state that it finds to be hazardous, including a list of all commodities transported on railroad lines that could pose a hazard to the public or the environment in the event of a train derailment or other accident, a description of the quantities of these commodities, and the locations and routes over which these materials are transported, and a list of all railroad derailment accident sites in the state on which accidents have occurred within at least the previous 5 years.

This bill would create the Special Railroad Safety Task Force, comprised of specified members. The bill would require the task force to meet monthly from January 2007 to December 2007, inclusive, and to study certain railroad safety issues, and make recommendations for improving railroad safety measures. The bill would require the task force, no later than 90 days after its last meeting, to submit a written report to the commission setting forth its findings and recommendations relating to railroad safety issues. The bill would require the commission to include the findings and recommendations of the task force in its July 1, 2008, report to the Legislature on sites on railroad lines that are found to be hazardous. These provisions would become inoperative on July 1, 2008, and would be repealed on January 1, 2009, unless a later enacted statute deletes or extends that date.

This

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7711.5 is added to the Public Utilities
2 Code, to read:

3 7711.5. (a) The Special Railroad Safety Task Force is hereby
4 created.

5 (b) The task force shall be comprised of the following:

6 (1) A representative of the safety division of the commission,
7 to be designated by the commission.

8 (2) A representative of the Office of Emergency Services, to
9 be designated by the Director of the Office of Emergency
10 Services.

11 (3) At least one representative of an administering agency, as
12 defined in Section 25501 of the Health and Safety Code, to be
13 designated by the commission.

14 (4) At least one representative of emergency rescue personnel,
15 as defined in Section 25501 of the Health and Safety Code, to be
16 designated by the commission.

17 (5) A representative of the Department of the California
18 Highway Patrol, to be designated by the Commissioner of the
19 California Highway Patrol.

20 (6) Two representatives of rail labor, one from each of the
21 labor unions representing railroad operating employees, which
22 are the United Transportation Union and the Brotherhood of
23 Locomotive Engineers, to be designated by the individual labor
24 ~~union's California legislative office.~~ *union*.

25 (7) Two representatives of each class I railroad operating in
26 California, with expertise in rail operations, equipment, and
27 track, to be designated by the commission.

28 (8) A representative of a short-line railroad, as defined in
29 Section 99317.1, with expertise in rail operations, equipment,
30 and track, to be designated by the commission.

31 (9) A representative of local government with expertise in land
32 use planning, to be designated by the League of California Cities.

33 (10) The commission shall invite a representative of the
34 United States Department of Transportation Federal Railroad
35 Administration to participate in the special task force.

36 (c) Members of the task force shall be appointed within 60
37 days after the operative date of this section.

(d) Members shall serve without compensation, but shall be reimbursed for necessary travel expenses incurred in the performance of task force duties.

(e) The task force shall meet monthly from January 2007 to December 2007, inclusive, and shall establish operating procedures at its first meeting.

(f) A majority of the task force shall constitute a quorum for the transaction of business.

(g) The task force shall be headed by a chairperson, selected by the task force from among its members.

(h) The duties of the task force shall include, but not be limited to, all of the following:

(1) Identify threats from vandalism or terrorism that are not adequately addressed by existing rail safety programs and ~~to~~ make recommendations to address those threats in the future.

(2) Identify any deficiencies in current land use planning *affecting rail safety* and ~~to~~ make recommendations for changes in land use planning to lessen risks to the public and environment.

(3) Identify any deficiencies for responding to railroad emergencies and ~~to~~ make recommendations for changes to improve emergency response.

(i) No later than 90 days after the last meeting of the task force, the task force shall submit a written report to the commission setting forth the findings and recommendations of the task force as described in paragraphs (1), (2), and (3) of subdivision (h).

(j) The commission shall provide staff support to the task force to support the requirements of this section.

(k) The commission shall incorporate the findings and recommendations of the task force into the July 1, 2008, report to the Legislature pursuant to Section 7711.

(l) This section shall become inoperative on July 1, 2008, and, as of January 1, 2009, is repealed unless a later enacted statute that becomes operative on or before January 1, 2009, deletes or extends the date on which it becomes inoperative and is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

1 In order to ensure that the welfare and safety of the citizens of
2 California are protected from railroad hazards at the earliest
3 possible time, it is necessary that this act take effect immediately.

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